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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,002	05/14/2001	Franz-Josef Carduck	D 8927B-OC/FOHPT	1201

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COGNIS CORPORATION
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EXAMINER

CHAMBERS, A MICHAEL

ART UNIT	PAPER NUMBER
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3753

10

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/855,002

Applicant(s)

CARDUCK ET AL. 

Examiner

A. Michael Chambers

Art Unit

3753

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 June 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-14 and 16-30.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____



A. Michael Chambers
Primary Examiner
Art Unit: 3753

Continuation of 5. does NOT place the application in condition for allowance because: No remarks not previously considered and discussed by the Examiner have been included in the request for reconsideration. Hehl's distributor clearly distributes the temperature sensitive "liquid" plastic which is then drained through a plurality of nozzles (claims 18, 20 and 22). All of the "drainage pipes include a portion of which extends from the bottom of the distributor. As stated in the final rejection, clearly "plate means" 16 of Ohlswager et al (claims 23-29) covers the inlet opening to pipe 12 (i.e. a dome and is in direct "line" with the inlet inflow-claim 23). With regard to the definition of a "v-notch weir", Streeter Fluid Mechanics clearly defines such a weir as a "...vertical plate with a notch of a specific angle cut in a top and placed in a channel...". Such a geometric configuration defining a weir is shown in Figure 1 of Plachy (claims 1-14 and 16, 17, 19, 21 and 30). As stated in the final rejection by their design all nozzles which are formed by a reduced tapered cross section cause an increase in the fluid velocity which reduces the 'caking' of material. Contrary to applicants' remarks, the apparatus of Plachy distributes and controls flow via the plurality of weirs shown in Figure 1. Motivation is clear in that both patents (Plachy and Dear et al) are drawn to fluid systems including metered valved flow control causing a predetermined pressure drop in the fluid flow path. Case law cited in the response to the final rejection has been considered..



**A. MICHAEL CHAMBERS
PRIMARY EXAMINER
ART UNIT 3753**